



**Legislative Committee Chair
Report to the Board of Directors**

March 8, 2018

Submitted by: Kerry Daily

Indiana CGP:

IDEM has sent the second draft of the Indiana CGP to Advisory Group members for review and comment and I have forwarded the second draft to the subgroup of INAFSM members who provided comments on the first draft. The next meeting of the Advisory Group will be March 15, 2018.

Legislation:

The short session will end no later than Wednesday March 14, 2018. If a bill has passed both chambers with no differences (or agreed to differences) the bill can be sent to the Governor for approval. If there are differences between the bills passed by both chambers the bill goes to a conference committee of members from both chambers to work out the differences. Anything can happen to the bill in the conference committees, which do not have public meetings. Bills of interest that have passed both chambers of the legislature are:

Senate Bill 386 (Ruckelshaus) concerns financing of flood control improvements and appears to be directed at portions of Indianapolis currently left out of the Indy North Levee Project.

House Bill 1089 (Ober and Zent) concerns the St. Joseph River Basin Commission and allows expansion of the Commission's functions and authority.

House Bill 1267 (Soliday, Brown, Ober) would establish the Water Infrastructure Task Force. The Task Force would address wastewater, drinking water and stormwater issues in Indiana.

The bill of most interest to INAFSM that did not pass both chambers was **House Bill 1096** (Culver) which would have prohibited MS4 Operators from establishing rules more restrictive than state erosion and sediment control rules. The bill passed the House but did not make it out of the Senate Committee on Environmental Affairs. INAFSM and many other groups testified against the bill in the Senate Committee hearing.

WOTUS:

The comment periods for the codification of the rule prior to the adopted rule and the proposed rule to replace the adopted rule have closed. The United States Supreme Court recently ruled that challenges to the adopted rule should be heard in federal district courts, not appellate courts. Apparently, this might have allowed the adopted rule, instead of the prior rule, to go into effect in some states before the replacement rule is in place. To avert this possibility, USEPA and USACE now proposed to extend the governance period of the prior rule for two years to allow sufficient time to adopt the replacement rule. => => => For probably the next two years, rules and requirements will stay the way they are and the way they have been for the last several years.